

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN GREEN,

Plaintiff,

v.

RALSTON FOODS, CRYSTAL L. MUELLER,
JANE DOES 1-12 and JOHN DOE 1-12,

Defendants.

ORDER

10-cv-496-slc

Plaintiff Damien Green, a prisoner at the Wisconsin Secure Program Facility in Boscobel, Wisconsin, has submitted a proposed complaint. Plaintiff has not paid the \$350 filing fee that is required to file a new complaint so I will construe his complaint as including a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was submitted on August 27, 2010. His trust fund account statement should cover the six-month period beginning approximately March 1, 2010 and ending approximately August 30, 2010. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff may have until September 21, 2010 in which to submit a trust fund account statement for the period beginning approximately March 1, 2010 and ending approximately August 30, 2010. If, by September 21, 2010, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 31st day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge